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14:36:53 1 THE COURT: All right. Be seated.

14:37:04 2 Must be doing something right, the crowd  
14:37:04 3 keeps getting smaller and smaller.

14:37:12 4 Okay. We're here in B-14-254, the State of  
14:37:16 5 Texas versus USA.

14:37:19 6 And for Texas, Ms. Colmenero, who's with  
14:37:26 7 you?

14:37:27 8 MS. COLMENERO: Adam Bitter from the Texas  
14:37:29 9 Attorney General's office.

14:37:30 10 THE COURT: Okay.

14:37:31 11 And Mr. Hu, would you introduce your table  
14:37:35 12 to me?

14:37:36 13 MR. HU: This is Ms. Ricketts, Mr. Tyler and  
14:37:40 14 Mr. Kirschner.

14:37:41 15 THE COURT: All right.

14:37:42 16 MR. HU: And I think Mr. Tyler's going to be  
14:37:45 17 taking the lead today.

14:37:46 18 THE COURT: Okay.

14:37:46 19 Mr. Tyler and Mr. Kirschner, I have signed  
14:37:49 20 your pro hac's, so you are here.

14:37:54 21 Ms. Taitz, why don't you come up and, if you  
14:37:56 22 would, sit at one of the tables.

14:37:57 23 And that leaves me with one person I don't  
14:37:59 24 know. Tell me who you are.

14:38:01 25 MS. PERALES: Good afternoon, Your Honor.

14:38:03 1 Nina Perales for Jane Doe's one through three.

14:38:07 2 THE COURT: Okay. Why don't you come up,  
14:38:09 3 too. Grab a -- grab a chair.

14:38:11 4 MS. PERALES: Thank you.

14:38:12 5 THE COURT: Because you're one of the people  
14:38:13 6 I want to talk about today.

14:38:22 7 All right. I appreciate y'all being here.  
14:38:27 8 The -- the main purpose, number one, is to talk about  
14:38:32 9 the Motion to Stay and what we want to do there. And by  
14:38:38 10 the word, "we", I mean, y'all.

14:38:40 11 But the second part of this is we now have  
14:38:47 12 a -- a -- an opinion by Judge Elrod basically saying I  
14:38:53 13 should have let the Jane Doe's in.

14:38:57 14 Although, Ms. Perales, you argued some  
14:38:59 15 things at the Fifth Circuit that you didn't argue here,  
14:39:01 16 but that's all right. You're forgiven for that. You  
14:39:04 17 might have had a different result here if you'd argued  
14:39:07 18 the same things, but the question is, and -- and  
14:39:13 19 normally it wouldn't matter so much, except we're  
14:39:15 20 dealing with an interlocutory judgment, and the -- and  
14:39:20 21 the Supreme Court reverses, depending on what they  
14:39:22 22 reverse on, I get it back. And if they affirm, I  
14:39:25 23 clearly get it back.

14:39:27 24 And the question is clearly Ms. Perales'  
14:39:32 25 clients are in, but how in are they? That's one issue I

14:39:37 1 want to talk about.

14:39:38 2 And the second issue is who else is in?

14:39:44 3 Because I entered, with regard to

14:39:47 4 Ms. Perales, the same order I entered with regard to

14:39:49 5 five or six other people who attempted to intervene.

14:39:53 6 And the question is who else falls under the auspices or

14:40:03 7 the -- who fulfills the requirements of -- set out by

14:40:06 8 Judge Elrod in her order.

14:40:09 9 So, let's talk, first of all, about the

14:40:16 10 Motion to Stay, which I think is 90 percent agreed on at

14:40:24 11 least.

14:40:25 12 Ms. Colmenero, tell me what the State's view

14:40:28 13 is.

14:40:29 14 MS. COLMENERO: I -- I believe from the

14:40:30 15 State's view, the agreed motion is one hundred percent

14:40:34 16 agreed on. Which, I believe the parties had agreed to a

14:40:38 17 stay of proceedings until the USA's petition for writ of

14:40:45 18 certiori was decided by the U.S. Supreme Court and then

14:40:48 19 final disposition by the U.S. Supreme Court. And so I

14:40:50 20 believe we were asking for a stay of all proceedings and

14:40:53 21 that the court's scheduling requirements would then kick

14:40:56 22 in 21 days after there had been a final disposition from

14:40:59 23 the U.S. Supreme Court.

14:41:00 24 THE COURT: Either a denial of cert or an

14:41:05 25 opinion?

14:41:06 1 MS. COLMENERO: Exactly.

14:41:07 2 THE COURT: All right.

14:41:11 3 And, Mr. Tyler, does that square with your  
14:41:13 4 thinking?

14:41:13 5 MR. TYLER: That squares with our thinking,  
14:41:15 6 Your Honor. I believe -- think that makes imminent  
14:41:16 7 sense to wait to hear from the Supreme Court on our cert  
14:41:19 8 petition.

14:41:19 9 THE COURT: All right.

14:41:19 10 MR. TYLER: And then proceed from there.

14:41:20 11 THE COURT: I may have taken the cart before  
14:41:22 12 the horse here, but let me -- Ms. Perales, assuming you  
14:41:25 13 still want in, does that -- do you have any opposition?

14:41:33 14 MS. PERALES: We do not, Your Honor. We  
14:41:35 15 join the motion.

14:41:36 16 THE COURT: Okay. All right. Okay. So  
14:41:39 17 that one seems pretty straight forward.

14:41:43 18 Let me talk generally about intervention  
14:41:48 19 and -- and, Ms. Perales, part of this is directed  
14:41:52 20 clearly at you and so I want your input.

14:41:54 21 Obviously, the -- the Fifth Circuit thinks I  
14:42:01 22 should have granted your intervention motion. And I  
14:42:06 23 intend to do that. I still have a question of why you  
14:42:11 24 want in as opposed to being a friend of the court, but  
14:42:17 25 you don't -- you don't have to -- come on up to the

14:42:19 1 podium -- but you don't have to tell me why. Your  
14:42:22 2 motivations, I don't care about.

14:42:23 3 Here's what I care about. Judge Elrod, in  
14:42:34 4 her opinion, said, for purposes of the intervention  
14:42:36 5 motion, we treat it basically like a motion to dismiss  
14:42:40 6 in that we take the allegations as being true.

14:42:46 7 And, so, she and the rest of the Fifth  
14:42:51 8 Circuit took the allegations as being true and said,  
14:42:53 9 that being the case, you guys had an interest that was  
14:42:56 10 not adequately represented by the Government in that you  
14:42:59 11 should have been let in.

14:43:01 12 And I'm okay with that. Here's what I -- I  
14:43:05 13 mean, I'm foreseeing difficulties down the road. Now,  
14:43:08 14 obviously, if the Fifth Circuit says for -- I mean, if  
14:43:12 15 the Supreme Court says, for instance, Texas doesn't have  
14:43:15 16 standing, all this is going to be moot. If -- but if  
14:43:19 17 they reverse on anything else or affirm, here's what's  
14:43:25 18 going to happen: Your client's depositions are going to  
14:43:27 19 be taken. And it's -- it's not going to be a mystery.  
14:43:33 20 Let's see, what do you think the first three questions  
14:43:36 21 will be? What's your name? Where do you live?

14:43:40 22 And assuming then they're going to go right  
14:43:44 23 down the -- the DAPA criteria to see if you really --  
14:43:51 24 your clients really do have an interest in this case.  
14:43:55 25 And they're entitled to do that. In fact, it would been

14:43:58 1 malpractice for them not to do it.

14:44:01 2 So how do I handle that?

14:44:03 3 MS. PERALES: Well --

14:44:04 4 THE COURT: I'm going to order you to  
14:44:05 5 answer.

14:44:05 6 MS. PERALES: Well, of course, Your Honor.

14:44:07 7 And -- and that would be very typical. And in cases  
14:44:09 8 like this where parties have been granted permission to  
14:44:13 9 proceed under a pseudonym, we would typically --

14:44:17 10 THE COURT: You haven't been granted that  
14:44:18 11 permission --

14:44:19 12 MS. PERALES: Okay.

14:44:19 13 THE COURT: -- is what -- that -- that's  
14:44:20 14 what -- that's the whole point.

14:44:22 15 MS. PERALES: So then let me backup.

14:44:23 16 THE COURT: Okay.

14:44:24 17 MS. PERALES: What we would do, Your Honor,  
14:44:25 18 first, is seek permission to proceed under pseudonyms.

14:44:29 19 THE COURT: Okay. I've denied that.  
14:44:32 20 You've -- you've made that motion and I've denied it.

14:44:34 21 MS. PERALES: I believe Your Honor granted  
14:44:35 22 it.

14:44:36 23 THE COURT: I believe I denied it. It's  
14:44:38 24 moot.

14:44:38 25 MS. PERALES: Okay. We would seek to



14:44:41 1 proceed --

14:44:42 2 THE COURT: I could be wrong about that. I  
14:44:43 3 mean --

14:44:43 4 MS. PERALES: Okay. No, I'm sure Your Honor  
14:44:46 5 is right.

14:44:47 6 THE COURT: -- I only have about five  
14:44:48 7 thousand motions in this case.

14:44:49 8 MS. PERALES: No, I'm sure Your Honor is  
14:44:50 9 right.

14:44:51 10 We would seek to proceed under pseudonyms  
14:44:53 11 and then we would seek to negotiate with the other  
14:44:55 12 parties, as we do in cases similar where we have clients  
14:44:59 13 proceeding as Doe, we would seek to negotiate a  
14:45:02 14 protective order where the information was known and  
14:45:07 15 shared among the parties but probably for attorneys eyes  
14:45:10 16 only. And I can provide the court with examples of this  
14:45:13 17 as it's done in other district courts.

14:45:16 18 And we would, of course, have the clients  
14:45:19 19 give their depositions and -- and go forward from there.

14:45:23 20 THE COURT: Okay. If -- let me -- while I  
14:45:29 21 fully intend to grant the Motion to Stay, I think you  
14:45:33 22 and Ms. Colmenero, or whomever from the State side, need  
14:45:37 23 to get together on that. Because the minute the Motion  
14:45:41 24 to Stay is up, I -- I mean, if I was the defense lawyer  
14:45:46 25 or the -- or the -- I guess they're Plaintiffs, the

14:45:47 1 first thing I would do would be try to get rid of you.

14:45:47 2 MS. PERALES: Uh-huh.

14:45:50 3 THE COURT: Just because you'd mess up their  
14:45:52 4 case. Not you personally, but why -- why fight two  
14:45:58 5 against one when I can fight one against one? Y'all  
14:46:03 6 work out a procedure and if it's -- I find it  
14:46:08 7 reasonable, I mean, I'm sure I'll -- I'll follow it.

14:46:10 8 But they have a right to know who your  
14:46:13 9 clients are and to make sure that the allegations that  
14:46:18 10 you made in your petition are right, or at least  
14:46:21 11 factually accurate.

14:46:22 12 MS. PERALES: Oh, we completely agree,  
14:46:24 13 Your Honor.

14:46:24 14 THE COURT: Okay. All right. Okay. That  
14:46:25 15 takes -- that -- that actually solves one of the  
14:46:29 16 problems. I thought that was going to be a bigger  
14:46:31 17 problem than -- than we thought. Okay. So, during the  
14:46:34 18 pendency of this stay, I'm going to ask you and the  
14:46:39 19 states to work that out.

14:46:40 20 MS. PERALES: Yes, Your Honor.

14:46:41 21 THE COURT: Okay. All right. You can sit  
14:46:44 22 down now --

14:46:45 23 MS. PERALES: Thank you, Your Honor.

14:46:46 24 THE COURT: -- because you're no longer a  
14:46:47 25 problem.

14:46:47 1 MS. PERALES: Thank you.

14:46:48 2 THE COURT: Or, at least temporarily, no  
14:46:49 3 longer a problem.

14:46:51 4 All right. Ms. Taitz, Dr. Taitz, you're  
14:46:53 5 here. I -- why don't you come up to the podium.

14:46:58 6 MS. TAITZ: Yes, Your Honor.

14:47:00 7 THE COURT: I denied your motion to  
14:47:01 8 intervene as well. The Fifth Circuit opinion was silent  
14:47:07 9 as to you. I assume you didn't appeal. I, quite  
14:47:11 10 frankly, didn't know the Jane Doe's had appealed. That  
14:47:15 11 was news to me when I was trying to figure out why I get  
14:47:17 12 an e-mail with like all these different opinions  
14:47:20 13 attached to it. And I'm going -- you know, there aren't  
14:47:23 14 that many judges on the Fifth Circuit panel and I've got  
14:47:26 15 more opinions than -- than judges.

14:47:28 16 But I'm assuming, especially since you're  
14:47:33 17 here, that you still want to intervene?

14:47:35 18 MS. TAITZ: Yes, Your Honor.

14:47:35 19 THE COURT: Okay.

14:47:36 20 MS. TAITZ: If --

14:47:36 21 THE COURT: Tell me how, under Judge Elrod's  
14:47:40 22 opinion --

14:47:41 23 MS. TAITZ: Yes, Your Honor.

14:47:42 24 THE COURT: -- you fit under the  
14:47:43 25 criteria she set out?

14:47:44 1 MS. TAITZ: Well, Judge Jennifer Elrod  
14:47:46 2 stated that the Fifth Circuit made its decision based on  
14:47:53 3 Sierra Club v. Espy where federal courts should allow  
14:47:55 4 intervention when no -- no one would be hurt and the  
14:47:57 5 greater justice could be attained.

14:47:59 6 And she also quoted Mendenhall versus M/V  
14:48:03 7 Toyota Maru stating that all of the allegations that are  
14:48:09 8 provided would be accepted as true.

14:48:11 9 So what Judge Elrod is stating, she's  
14:48:15 10 bringing several precedents which I believe are relevant  
14:48:18 11 in my case. One of those precedents is, of course, The  
14:48:23 12 Black Fire Fighters Association of Dallas versus City of  
14:48:25 13 Dallas where black fire fighters were allowed special  
14:48:31 14 status. And white fire fighters, which were not  
14:48:35 15 entitled to any specific status, were allowed to  
14:48:39 16 intervene because they were stating that they will be  
14:48:43 17 affected by the -- by the fact that the black fire  
14:48:47 18 fighters will be getting promotions, higher salaries and  
14:48:50 19 they will be left behind.

14:48:52 20 Well, there's something similar happening  
14:48:54 21 here. Here, there is this mammoth decision which gives  
14:48:58 22 millions of people legal status. Millions of people are  
14:49:02 23 getting work permits and they will be competing --  
14:49:08 24 they -- they will be competing with myself and -- and --  
14:49:12 25 and individuals similar situated.

14:49:13 1 So this is one of the -- the points.

14:49:16 2 And I have argued competitor status. And I  
14:49:24 3 have argued in -- in -- in -- in my pleadings *Northwest*  
14:49:34 4 *Forest Workers Association* where the court has found  
14:49:37 5 that there -- there was -- where -- in *Northwest Forest*  
14:49:48 6 *Workers Association*, the holding was that nonprofit  
14:49:51 7 organizations concerned with the economic, environmental  
14:49:53 8 and demographic effects of immigration had standing to  
14:49:56 9 challenge immigration regulations on the ground that the  
14:49:59 10 regulations improperly expanded the scope of guest work  
14:50:04 11 program.

14:50:05 12 And I have argued in my motion that this --  
14:50:10 13 this decision does improperly affect myself and similar  
14:50:18 14 situated individuals on a number of levels. One is that  
14:50:22 15 competitor where suddenly there are millions of  
14:50:26 16 competitors that will be -- will be affecting contracts  
14:50:30 17 and wages.

14:50:32 18 Second of all, I have argued Flast v. Cohen.  
14:50:39 19 And I have argued the status as being a tax payer.

14:50:43 20 And thirdly, I have argued as a doctor  
14:50:47 21 who -- who is located in the border state and working  
14:50:51 22 with immigrants, I -- I -- I argued that this decision  
14:50:57 23 represents a magnet, represents an invitation to a large  
14:51:01 24 number of future illegal immigrants entering the  
14:51:05 25 country.

14:51:06 1 And I have provided in --

14:51:08 2 THE COURT: But doesn't Judge Elrod's  
14:51:10 3 opinion basically say you have to have more than just  
14:51:14 4 your status quo as an American or as a tax payer?

14:51:14 5 MS. TAITZ: And --

14:51:18 6 THE COURT: You have to have some kind of  
14:51:21 7 individualized interest?

14:51:23 8 MS. TAITZ: Yes, Your Honor. And that --  
14:51:24 9 that is why I -- I argued in -- in my pleadings that  
14:51:27 10 being a doctor who is located in the border state, who  
14:51:30 11 is contracted in working with immigrants, I will be  
14:51:34 12 affected -- affected by this decision because this  
14:51:37 13 decision invites a large number of illegal immigrants  
14:51:42 14 entering the country and impacting myself.

14:51:48 15 And let me give you a couple of examples.

14:51:50 16 We've seen what's happening currently in  
14:51:53 17 Germany where Chancellor Angela Merkel has opened the  
14:51:57 18 borders. It created a magnet where millions of  
14:52:01 19 individuals flighted Germany. And I have articles  
14:52:05 20 stating that they brought with them large number of  
14:52:08 21 epidemics of infectious diseases. And I will be one  
14:52:13 22 exposed to them. They -- they -- they --

14:52:14 23 THE COURT: How do you know you're going to  
14:52:16 24 be exposed to them?

14:52:17 25 MS. TAITZ: Oh, Your Honor, for example, I

14:52:20 1 brought with me a file, for example, a file of one of  
14:52:23 2 those individuals. As you know, there were individuals  
14:52:27 3 from Syria who are crossing the border right here in  
14:52:30 4 Laredo. They're all put under Government programs. And  
14:52:33 5 I already got one of them, a refugee from Syria. And I  
14:52:39 6 have, if Your Honor would like to see it, I have his  
14:52:40 7 medical file here with me.

14:52:42 8 So --

14:52:43 9 THE COURT: What disease does he have that  
14:52:46 10 you have been exposed to?

14:52:48 11 MS. TAITZ: Well, I do have articles stating  
14:52:50 12 that, among those refugees, there is a large number  
14:52:55 13 of -- of infectious diseases. I have information coming  
14:52:59 14 from Germany and here. Among them, Tuberculosis. Among  
14:53:04 15 them, drug -- drug resistant Tuberculosis. Specifically  
14:53:08 16 among individuals coming from Syria, there is an  
14:53:12 17 epidemic of cholera.

14:53:13 18 THE COURT: But does the person you're  
14:53:14 19 talking about, did he have any diseases, communicable  
14:53:19 20 diseases, that you were exposed to?

14:53:20 21 And my second question, my next question's  
14:53:25 22 going to be in -- so -- and what does he have to do with  
14:53:26 23 the program that's being argued about here?

14:53:28 24 MS. TAITZ: Well, what -- what I am arguing,  
14:53:32 25 that every time there is a decision, either by the

14:53:36 1 Government or by the federal court, which largely  
14:53:38 2 expands -- expands federal programs allowing legal  
14:53:44 3 status to large numbers of immigrants, that impacts the  
14:53:49 4 community as -- as it becomes a magnet. And it brings  
14:53:52 5 large number of new illegal immigrants. And there is  
14:53:56 6 clear evidence that there are infectious diseases among  
14:53:59 7 them.

14:54:00 8 As a matter of fact, Your Honor --  
14:54:01 9 Your Honor stated in -- in my case, Taitz v. Johnson,  
14:54:05 10 that you had individuals with Tuberculosis right here in  
14:54:07 11 this courtroom.

14:54:09 12 I would like to bring another example. Not  
14:54:12 13 so long ago, Judge Dolly Gee in Los Angeles has issued  
14:54:16 14 the decision in Flores v. Reno. In that decision, she  
14:54:21 15 argued that all of the individuals, all of the minors  
14:54:24 16 and all of the families with minors who are currently in  
14:54:27 17 detention centers, need to be released because detention  
14:54:30 18 is bad for minors. They can be depressed because of  
14:54:30 19 that.

14:54:34 20 Well, what we've seen, as a result of this  
14:54:35 21 decision by Judge Dolly Gee, that there were over 10,000  
14:54:41 22 crossings right here in this area because it became a  
14:54:45 23 magnet. And individuals who were interviewed and asked,  
14:54:48 24 why? What is happening? Why so many are crossing the  
14:54:51 25 border? And they were stating that they understand that



14:54:56 1 they will be granted legal status. So there -- there  
14:54:59 2 is -- there are consequences to those decisions,  
14:55:02 3 Your Honor.

14:55:03 4 And --

14:55:04 5 THE COURT: But -- but what consequences are  
14:55:07 6 there to you?

14:55:09 7 MS. TAITZ: As --

14:55:09 8 THE COURT: That's what Judge Elrod says. I  
14:55:11 9 mean, she's -- she, for, let's say hypothetically,  
14:55:14 10 said -- and -- and I'm paraphrasing or maybe even  
14:55:18 11 reading between the lines -- but, I mean, she basically  
14:55:21 12 said there are certain things in -- in federal policy,  
14:55:25 13 whether it be immigration or other things, that affect  
14:55:29 14 all of us as people that live in the United States.

14:55:34 15 But what gives you standing, for instance,  
14:55:37 16 Ms. Perales' clients, they would qualify for this  
14:55:41 17 program. And -- and so they are affected. Because  
14:55:46 18 if -- if -- if the program goes forward, they  
14:55:48 19 immediately get the benefit of it.

14:55:50 20 So they're directly affected.

14:55:54 21 MS. TAITZ: Well, what's interesting, what I  
14:55:56 22 found in the decision by Judge Elrod is that she stated  
14:56:02 23 that, in order to be an Intervenor, you don't even have  
14:56:06 24 to have standing. You don't have to have standing that  
14:56:10 25 you would have to open a case. All you have to -- to

14:56:14 1 show that you -- that you are affected and that --

14:56:19 2 THE COURT: But you have to be affected in  
14:56:21 3 some way that's uniquely individualized as opposed to  
14:56:27 4 being affected as a tax payer, for instance, or being  
14:56:30 5 affected as a citizen of California or Texas.

14:56:34 6 MS. TAITZ: Well, Your Honor --

14:56:35 7 THE COURT: I mean, doesn't she say that  
14:56:38 8 directly?

14:56:38 9 MS. TAITZ: Well, she didn't say that. She  
14:56:40 10 did not state -- she -- she stated that you have to be  
14:56:42 11 affected. However, there is nothing in her decision  
14:56:45 12 stating, for example, that a tax payer, somebody, for  
14:56:49 13 example, who potentially would be losing work, will be  
14:56:53 14 losing -- would -- would be losing contracts, is not  
14:56:56 15 affected.

14:56:57 16 We, as a matter of fact, the way -- a number  
14:57:00 17 of decisions, Your Honor, as I quoted *Northwest Forest*  
14:57:05 18 *Association* where a nonprofit organization concerned  
14:57:10 19 with economic, environmental and demographic effects of  
14:57:14 20 immigration had standing to challenge immigration  
14:57:17 21 regulations on the ground that the regulations  
14:57:18 22 improperly expended the scope of a guest worker program.

14:57:23 23 So, in this particular case, and that case  
14:57:27 24 went to Supreme Court, they -- a finding that you do not  
14:57:31 25 have to have a -- a direct effect. You -- you can be

14:57:40 1 affected, for example, here, just by the fact that there  
14:57:44 2 is an increase scope of guest worker program.

14:57:47 3 THE COURT: Let me -- let me -- let me  
14:57:49 4 change gears on you then. If I say, all right,  
14:57:53 5 Dr. Taitz, come on in. What's your position in this  
14:57:58 6 lawsuit?

14:57:59 7 MS. TAITZ: I -- I would -- would like --  
14:58:03 8 to -- to join -- join with the State of Texas and the  
14:58:07 9 states.

14:58:07 10 THE COURT: Why -- why aren't the states  
14:58:08 11 already representing your interest?

14:58:10 12 MS. TAITZ: Yes. Yeah. That's a good --  
14:58:12 13 that -- that's a very good question. Because, when I  
14:58:14 14 read the case, the only thing that they're arguing is  
14:58:20 15 that -- that they will suffer some damages. And, for  
14:58:27 16 example, cost of drivers' licenses. And I believe in  
14:58:31 17 one of the -- --

14:58:33 18 THE COURT: Well, that's not the only thing  
14:58:35 19 they were arguing, but they argued that primarily  
14:58:37 20 because it gave them standing.

14:58:39 21 MS. TAITZ: Exactly. But there are a number  
14:58:42 22 of issues where --

14:58:43 23 THE COURT: It's ironic that drivers'  
14:58:46 24 licenses not only gave the State standing, it gave  
14:58:48 25 Ms. Perales an entryway into the lawsuit as well.

14:58:51 1 Go ahead.

14:58:52 2 MS. TAITZ: But what is interesting, though,  
14:58:54 3 that, in -- in -- in this whole -- whole situation,  
14:58:57 4 individuals like myself are -- are lost in the shuffle.  
14:59:03 5 Your Honor, the -- if, for example, the citizens who are  
14:59:08 6 affected get -- get no resolution.

14:59:14 7 For example, when you talk about competitive  
14:59:17 8 standing, in *Mendoza*, it states, agencies list --  
14:59:24 9 competitor standing doctrine recognizes that a party  
14:59:27 10 suffers a cognizable injury under Article 3 when  
14:59:31 11 agencies list --

14:59:32 12 THE COURT: No. Let me interrupt you.  
14:59:35 13 Because I'm not saying that -- that you may have things  
14:59:39 14 that you're interested in that they're not interested  
14:59:42 15 in. That -- I mean, that's probably easily true. But  
14:59:48 16 the relief they're requesting, if they win, don't you  
14:59:52 17 win?

14:59:53 18 MS. TAITZ: Well, the -- the problem here is  
14:59:56 19 that, if they lose, then I -- I have no venue. However,  
15:00:03 20 if I am part of this case, I'm able to bring issues that  
15:00:08 21 they do not bring in their case. So I'm able to augment  
15:00:13 22 the case. And, if, for example, it happens so that they  
15:00:16 23 lose, that they lose in the Supreme Court, it does not  
15:00:20 24 necessarily mean that the case is dead. That I lose.  
15:00:25 25 If -- if I --

15:00:25 1 THE COURT: Hold on. Wait. Wait. Help me  
15:00:27 2 there. If they lose in the Supreme Court, I -- well, I  
15:00:29 3 guess it depends on how they lose, but that usually --  
15:00:33 4 that usually puts an end to most cases.

15:00:36 5 MS. TAITZ: Well, Your Honor, I believe if  
15:00:37 6 Your Honor grants me an Intervenor status, I would be  
15:00:40 7 able to file a brief in the Supreme Court as well based  
15:00:45 8 on the status. And -- and -- and that way Supreme Court  
15:00:48 9 will look not only at the rights of the states, it will  
15:00:52 10 also look at the rights of the individuals who are  
15:00:56 11 affected by -- by those large executive orders that are  
15:01:01 12 brought by the federal government.

15:01:03 13 Suddenly the Supreme Court would have to  
15:01:05 14 look not only at clients of Ms. Perales --

15:01:10 15 THE COURT: Perales.

15:01:11 16 MS. TAITZ: -- Perales, I'm sorry, but also  
15:01:12 17 they would have to look at the individuals like myself  
15:01:15 18 who are affected.

15:01:18 19 For example, let me give you one example.  
15:01:21 20 DHS is stating that they have very limited funding. And  
15:01:26 21 suddenly they decide to -- to -- to use, I guess, most  
15:01:30 22 of their funding to -- to provide legal status to  
15:01:34 23 millions of individuals under this program. Their  
15:01:38 24 funding will be taken away. It affects me.

15:01:40 25 I just came from the State of California

15:01:42 1 where we just buried 14 of my fellow California citizens  
15:01:47 2 who -- who died to a great extent because DHS is under  
15:01:51 3 funded, is not doing its job and not checking people who  
15:01:54 4 are coming in.

15:01:55 5 The woman who came to -- to California lied  
15:01:58 6 on her application for Visa. She gave a bogus  
15:02:02 7 nonexistent address. They -- they missed it. They're  
15:02:05 8 under funded. They -- she also was making statements in  
15:02:08 9 support of ISIS on Internet. They missed it. They  
15:02:12 10 under funded.

15:02:12 11 So, now, every person at DHS is not doing  
15:02:17 12 their job, they're not defending me, they're not  
15:02:20 13 defending individuals who are similar situated. And  
15:02:22 14 suddenly, most of their funding will be gone because  
15:02:25 15 they will be busy processing those millions of DACA and  
15:02:32 16 DAPA applications instead of using this funding in their  
15:02:32 17 job in defending me.

15:02:36 18 THE COURT: Let me -- let me stop you there.  
15:02:37 19 I understand that argument, but, if I said that  
15:02:41 20 everybody who thinks that DHS is not protecting us could  
15:02:45 21 intervene in this lawsuit, I'd have to have the biggest  
15:02:49 22 class action in the history of class actions; wouldn't  
15:02:51 23 I?

15:02:52 24 MS. TAITZ: Well, maybe you should allow  
15:02:53 25 class action lawsuits, Your Honor. And --

15:02:55 1 THE COURT: I wasn't soliciting.

15:02:57 2 MS. TAITZ: But I would definitely agree to  
15:02:59 3 that and I think they should -- the -- the -- the  
15:03:01 4 individuals like myself who are affected and the  
15:03:04 5 citizens should be given a word, a say in this case.

15:03:08 6 It's not only about the states and the  
15:03:11 7 federal government, it's also -- and it's -- it's not  
15:03:14 8 only about illegal immigrants, it's also about citizens  
15:03:18 9 like myself who are affected, whose -- whose taxes are  
15:03:22 10 being taken away.

15:03:23 11 Ms. Perales' clients, many of them, are --  
15:03:28 12 are indigent, are very poor. The moment they get  
15:03:31 13 their -- their legal status, many of them will be on  
15:03:33 14 welfare programs. That affects me as a tax payer. It  
15:03:38 15 affects me on -- on -- on -- under the basis of  
15:03:41 16 competitive standing on the *Mendoza* that I just argued.  
15:03:44 17 Because, when there are millions of people that suddenly  
15:03:47 18 are getting work permits, there is more competition and  
15:03:51 19 the wages are going down. The contracts would be going  
15:03:56 20 down.

15:03:56 21 For example, if I have a contract with  
15:04:00 22 federal government, and I do, in providing here for --  
15:04:06 23 for individuals, like Ms. Perales' clients, suddenly  
15:04:10 24 there are 10 other doctors who -- who suddenly get work  
15:04:14 25 permits, they get legal status, they're opening their

15:04:17 1 offices across the street from me, what's going to  
15:04:20 2 happen to those contracts? Those contracts are going to  
15:04:22 3 go down. The -- the compensation is going to go down.  
15:04:26 4 And, at this point in this important case, the citizens  
15:04:29 5 like myself have no -- no say, have no representation.  
15:04:35 6 And -- and -- and Your Honor is right, I hope you --

15:04:37 7 THE COURT: Setting aside you're from  
15:04:39 8 California, I mean, with regard to the actual states  
15:04:42 9 that are Plaintiffs in this case, aren't there -- aren't  
15:04:47 10 there respective states Attorney General's here arguing  
15:04:51 11 on behalf of their citizens? I mean, that's part of  
15:04:54 12 their argument is they're representing their -- their  
15:04:56 13 citizens.

15:04:57 14 MS. TAITZ: But -- but -- but, Your Honor,  
15:04:58 15 if you -- if you look at their argument, and that's  
15:05:03 16 what -- and that's what Judge Elrod is -- is stating,  
15:05:06 17 the question is: Are they arguing the same? Are they  
15:05:11 18 arguing the same points? And they're not. They're  
15:05:14 19 arguing only the -- the point of the states losing some  
15:05:20 20 of the funding that they will have -- that -- to -- to  
15:05:24 21 expand, that will be expanded towards providing those  
15:05:28 22 illegal immigrants with drivers' licenses, with welfare  
15:05:31 23 benefits, with low income housing and so forth.

15:05:35 24 But they -- they -- the states do not  
15:05:38 25 represent the citizens themselves who will be affected



15:05:43 1 and competitor standing due to increased competition  
15:05:47 2 where they will be losing their jobs, they -- they will  
15:05:50 3 be -- the -- the contracts that they have today and the  
15:05:52 4 wages that they have today will be going down.

15:05:57 5 And also they're affected in terms of --  
15:06:02 6 they will be affected in terms of -- as tax payers  
15:06:08 7 because their tax payer funding will be used for those  
15:06:15 8 individuals, not -- they will not be used for myself,  
15:06:18 9 for my children, for my community, they will be used  
15:06:21 10 for -- for those individuals.

15:06:22 11 And there will be other effects that are  
15:06:27 12 specific --

15:06:27 13 THE COURT: Aren't those political  
15:06:30 14 questions?

15:06:30 15 MS. TAITZ: No, they're not political  
15:06:33 16 questions. And, Your Honor, I have argued -- I have  
15:06:35 17 provided Your Honor with cases where the court's decided  
15:06:38 18 this as justiciable issues.

15:06:41 19 As I stated, in *Mendoza*, the court has found  
15:06:46 20 that there is competitor standing. *Northwest Forest*  
15:06:52 21 *Workers Association*, it was found to be justiciable and  
15:06:56 22 standing was given to an association that's  
15:07:00 23 represented -- that was representing the -- the citizens  
15:07:03 24 who were concerned with -- with expanded scope of guest  
15:07:06 25 worker -- guest workers.

15:07:08 1 Flast v. Cohen, it was found to be a  
15:07:15 2 justiciable issue. And Earl Warren, Chief Justice of  
15:07:18 3 the Supreme Court, notes: Our point of reference in  
15:07:20 4 this case is the standing of individuals who assert only  
15:07:23 5 the status of federal tax payer and who challenge the  
15:07:27 6 Constitutionality of a federal spending program.  
15:07:32 7 Whether such individuals have standing to maintain that  
15:07:34 8 form of action turns on whether they can demonstrate the  
15:07:38 9 necessary stake as tax payer in the outcome of the  
15:07:41 10 litigation to satisfy Article 3 requirement.

15:07:44 11 And here it's a program that exists under  
15:07:47 12 spending -- taxing and spending. The -- the allocation  
15:07:53 13 of funds was given to the federal government through  
15:07:57 14 omnibus and it's -- it's squarely within Flast v. Cohen.  
15:08:01 15 As a tax payer, I can get in -- in this case.

15:08:06 16 And I hope Your Honor would allow a -- a  
15:08:08 17 class action lawsuit so that I would not be the only  
15:08:12 18 one, so it would be -- so other citizens like myself,  
15:08:16 19 who are affected in so many different levels, who  
15:08:20 20 suddenly are exposed to -- to -- to -- to infectious  
15:08:24 21 diseases. I have provided Your Honor in -- in Taitz v.  
15:08:28 22 Johnson with a sworn declaration of a fellow doctor who  
15:08:32 23 also works with immigrants, Dr. James Hedrick, who  
15:08:36 24 stated that he and his whole team of nurses were  
15:08:42 25 infected with drug resistant Tuberculosis. And he had

15:08:46 1 to go through extensive treatment.

15:08:48 2 This is -- this is not some -- something  
15:08:51 3 hypothetical. This is what I face every day when I work  
15:08:55 4 with patients, when the patients are bleeding, they're  
15:08:58 5 next to me. So, when -- when you have a situation where  
15:09:01 6 the federal government encourages illegal immigration,  
15:09:05 7 where -- where federal government suddenly gives legal  
15:09:09 8 standing to millions of individuals who come here  
15:09:12 9 illegally, that creates a flood.

15:09:15 10 Your Honor, I'm sure you -- you see this  
15:09:17 11 flood of people crossing the border right here. As I  
15:09:20 12 said, it -- it was in the papers, there were over 10,000  
15:09:24 13 people. That affects people like myself, doctors  
15:09:27 14 working with immigrants, it affects communities. There  
15:09:31 15 is, unfortunately, increase in crime and -- and increase  
15:09:37 16 in -- in -- in those epidemics of infectious diseases.

15:09:42 17 So, in this case, this is such an important  
15:09:46 18 case. And, at this point, individuals are not  
15:09:49 19 represented. The only individuals that are represented  
15:09:52 20 are illegal aliens. But not the citizens who are  
15:09:55 21 affected by -- by this order.

15:09:57 22 THE COURT: All right.

15:09:58 23 Mr. Tyler, you want to weigh in on whether  
15:10:01 24 Dr. Taitz can --

15:10:04 25 MR. TYLER: Giving all due respect to the

15:10:07 1 concerns that Dr. Taitz expressed in court today on  
15:10:10 2 behalf of herself as a citizen and on behalf of her  
15:10:13 3 fellow citizens, Your Honor, I don't think this is a  
15:10:15 4 closed issue.

15:10:17 5 I'll -- I'll begin with the adequate  
15:10:18 6 representation. I mean, the Fifth Circuit made it very  
15:10:22 7 clear in the Doe's decision that a punitive Intervenor  
15:10:26 8 has to demonstrate that one or the other party in this  
15:10:29 9 litigation cannot adequately represent that interest.  
15:10:32 10 And there's a presumption of adequate representation if  
15:10:35 11 they share the same outcome as is true with Dr. Taitz  
15:10:41 12 and the state Plaintiffs.

15:10:42 13 She cannot show that there is in fact an  
15:10:48 14 adverse interest between herself and the states. And as  
15:10:51 15 a result, without that adversity, she cannot demonstrate  
15:10:55 16 inadequate representation. Nor can she demonstrate that  
15:10:58 17 she has a real substantial and legally protected  
15:11:04 18 interest in this case. It has to be real, it has to be  
15:11:08 19 direct and it has to be substantial. Your Honor's  
15:11:11 20 questions of Dr. Taitz, I think, are right on the money.  
15:11:14 21 They're very well directed.

15:11:16 22 The concern she expresses are too  
15:11:19 23 attenuated. To diffuse as a tax payer, there's no  
15:11:22 24 limiting limitation to that and any and all tax payers  
15:11:25 25 of this country could join this suit.

15:11:27 1 So to competitive standing. I -- I don't  
15:11:30 2 know that the limitation is of that as such.

15:11:32 3 And as I understand it in rereading  
15:11:36 4 Your Honor's decision addressing the Government's motion  
15:11:39 5 to dismiss, you have rejected within the context of  
15:11:43 6 the standing analysis this so called "magnet theory"  
15:11:46 7 that, if DAPA is allowed to go forward, it will attract  
15:11:50 8 further illegal immigrations, which will bring all these  
15:11:51 9 alleged ill's to the country.

15:11:55 10 You've already rejected that. And while it  
15:11:55 11 was within the context of a standing analysis, I think  
15:11:58 12 it fully applies in this case in regard to the  
15:12:00 13 intervention issue that Your Honor is now entertaining.

15:12:03 14 She does not, in effect, have a concrete  
15:12:06 15 stake in the outcome of this case. If Your Honor were  
15:12:10 16 to enjoin permanently DAPA, it would not remedy the  
15:12:18 17 ill's that she complains of.

15:12:19 18 And, so, for all of these reasons, again,  
15:12:21 19 Your Honor, with respect, I -- I don't think this is a  
15:12:22 20 closed question. I don't think she comes anywhere close  
15:12:25 21 to satisfying the elements that one must satisfy  
15:12:28 22 pursuant to the discussion by the Fifth Circuit and the  
15:12:32 23 Doe decision.

15:12:33 24 THE COURT: Ms. Perales, do you want to  
15:12:35 25 weigh in at all?

15:12:36 1 MS. PERALES: Just briefly, Your Honor.

15:12:44 2 I believe that Ms. Taitz' concerns, her --  
15:12:47 3 her injuries that she believes that she will experience,  
15:12:51 4 fall most closely under the Fifth Circuit case known as  
15:12:59 5 NOPSI, New Orleans Public Service, Incorporated,  
15:13:01 6 732 F2nd 452, which differentiated the type of broad and  
15:13:07 7 non-specific injury that was alleged in that case by the  
15:13:11 8 city of New Orleans on behalf of its rate pairs. And  
15:13:16 9 they were ultimately denied intervention from the type  
15:13:19 10 of concrete and specific injury that the Fifth Circuit  
15:13:23 11 found the Doe's had and that was sufficient for  
15:13:26 12 intervention.

15:13:28 13 I don't want to repeat much of what  
15:13:31 14 Mr. Tyler said regarding this court's previous rejection  
15:13:36 15 in the context of standing of the mass influx idea, but  
15:13:42 16 I would say that *Black Fire Fighters*, which was cited by  
15:13:47 17 Ms. Taitz, doesn't really apply here in terms of  
15:13:51 18 employment opportunities.

15:13:54 19 The white fire fighters in that case had a  
15:13:57 20 very direct and concrete interest in promotional  
15:14:01 21 employment opportunities. The Fifth Circuit, in the  
15:14:04 22 opinion regarding the Doe's, made a connection between  
15:14:08 23 that and the Doe's direct interest in receiving work  
15:14:12 24 authorization.

15:14:13 25 I would only point out that the idea of

15:14:18 1 Ms. Taitz is -- is greatly more attenuated in the sense  
15:14:22 2 that somebody might receive a grant of deferred action  
15:14:26 3 under DAPA who is already present, secure work  
15:14:31 4 authorization and medical licensing and then open up a  
15:14:35 5 competitive medical practice nearby, just seems a bit  
15:14:40 6 too far.

15:14:41 7 And then, finally, of course, the very  
15:14:44 8 professional and skilled team that is representing the  
15:14:49 9 Plaintiffs in this case, whom I've had the pleasure of  
15:14:52 10 working with in other cases, is providing more than  
15:14:55 11 adequate representation to Ms. Taitz regarding the  
15:15:00 12 issues that she wants to bring.

15:15:02 13 What I didn't hear were different legal  
15:15:04 14 claims or any assertion that these claims were being  
15:15:08 15 litigated by Plaintiffs in a way that was adverse to her  
15:15:12 16 interests, but merely a desire on her part to add the  
15:15:15 17 perspective that she has, in which case that would be  
15:15:20 18 insufficient for intervention.

15:15:22 19 Thank you.

15:15:22 20 THE COURT: Ms. Colmenero, do you want to  
15:15:26 21 weigh in?

15:15:26 22 MS. COLMENERO: Sure, Your Honor.

15:15:29 23 Just very briefly because I think these  
15:15:31 24 issues have been covered before by both the Defendants  
15:15:34 25 as well as the Jane Doe's. But the Plaintiff states

15:15:38 1 believe that the Fifth Circuit's ruling has no impact on  
15:15:41 2 Ms. Taitz' proposed intervention because she asserts no  
15:15:45 3 legally recognizable injury that is sustained from any  
15:15:47 4 other citizen.

15:15:48 5 And we believe, as we read the Fifth Circuit  
15:15:51 6 opinion, the Doe's were allowed to intervene because  
15:15:53 7 they had a legally protectable interest as intended  
15:15:58 8 beneficiaries of the program.

15:15:59 9 And, two, because the Doe's had identified a  
15:16:02 10 specific way in which their divergent interests with the  
15:16:06 11 federal government led them to adopt a -- a different  
15:16:06 12 litigation position.

15:16:09 13 And that was namely whether or not the  
15:16:11 14 Plaintiffs required to give them drivers' licenses. And  
15:16:14 15 we believe that no other individuals, including  
15:16:17 16 Ms. Taitz, meets these elements as set forth by the  
15:16:19 17 Fifth Circuit.

15:16:20 18 And I will say the one, under questioning  
15:16:22 19 from Your Honor, regarding the adequate representation  
15:16:25 20 and whether or not what arguments she would make and  
15:16:29 21 whether she would take a different litigation position  
15:16:32 22 from the Plaintiff states, the one example she raised  
15:16:35 23 was, in fact, an argument that the Plaintiff states did  
15:16:38 24 raise before Your Honor as one of the different standing  
15:16:42 25 issues that we believed satisfied our standing



15:16:45 1 requirement. And that was the magnet theory.

15:16:47 2 THE COURT: I think it's one I rejected,  
15:16:50 3 but --

15:16:50 4 MS. COLMENERO: Yes, it was. It was -- it  
15:16:52 5 was one that you did, in fact, reject. But we did, in  
15:16:55 6 fact, advance that argument here fully and have  
15:16:57 7 continued to advance it as well.

15:16:58 8 So I believe that we have -- there is  
15:17:01 9 adequate representation by the Plaintiff states here and  
15:17:03 10 that Ms. Taitz doesn't meet the requirements for  
15:17:06 11 intervention.

15:17:08 12 MS. TAITZ: May I --

15:17:08 13 THE COURT: Dr. Taitz, I'll give you the  
15:17:09 14 last word.

15:17:10 15 MS. TAITZ: Okay. Well, I would like to  
15:17:12 16 respond with several points. In -- I saw in one of the  
15:17:16 17 decisions, it -- it stated that it's possible that only  
15:17:20 18 the State of Texas would be found to have standing and  
15:17:24 19 not other states. So it is not clear that, as a citizen  
15:17:28 20 of California, I would have any relief.

15:17:31 21 As Your Honor have correctly stated,  
15:17:33 22 Attorney General of California is not part of this  
15:17:37 23 action. So, if -- if -- if I'm not given Intervenor  
15:17:42 24 status and -- and allowed to be part of this case, then  
15:17:45 25 I would have no relief if, for example, Supreme Court

15:17:48 1 decides that only the State of Texas would get some  
15:17:53 2 relief for them.

15:17:56 3 The -- one of the arguments was that it's  
15:18:00 4 something unlikely that individuals who is illegally  
15:18:05 5 here will get a license and will be a professional.

15:18:08 6 Your Honor, in the State of California, the  
15:18:10 7 legislature just recently decided that illegal aliens  
15:18:15 8 are -- are allowed, for example, to -- to sit for the  
15:18:19 9 bar and become attorneys and officers of the court. It  
15:18:22 10 was in the papers. There was a very well known case  
15:18:25 11 with somebody who was an illegal alien demanded this  
15:18:28 12 right and he received it.

15:18:30 13 So, yes, I would get competition from  
15:18:34 14 individuals who might be here illegally. But they are  
15:18:37 15 allowed to sit -- there is no requirement to be a  
15:18:40 16 citizen or permanent resident in order to sit for the  
15:18:43 17 bar in California or to sit for dental boards and become  
15:18:47 18 a licensed dentist.

15:18:49 19 Next, in the decision of Judge Elrod, she  
15:18:52 20 actually brought as an example two cases. One was  
15:18:56 21 League of United Latin American Cities versus City of  
15:19:00 22 Boerne here in -- in Texas. And what it stated that  
15:19:06 23 the -- the -- those individuals were given an Intervenor  
15:19:09 24 status because their voting right was affected.

15:19:13 25 Your Honor, I argued to you that my voting

15:19:16 1 rights were taken away from me because typically  
15:19:20 2 immigration is something that comes from --

15:19:23 3 THE COURT: Let's back up here, though. How  
15:19:25 4 does DAPA affect voting?

15:19:28 5 MS. TAITZ: Yes. Yes. Yes, Your Honor.  
15:19:29 6 And I would like to explain. Typically immigration --  
15:19:31 7 immigration decisions are going from bottom up. We, the  
15:19:33 8 citizens, vote for our representatives. Our  
15:19:35 9 representatives vote for specific laws. They become  
15:19:38 10 statutes. They become -- they become immigration  
15:19:42 11 statutes and they're supposed to be enforced by the  
15:19:46 12 federal government.

15:19:46 13 What is happening here is, with the stroke  
15:19:49 14 of a pen, the President decides to do away with existing  
15:19:56 15 statutes. And he decides to create -- to create a -- a  
15:20:01 16 group of millions of people who suddenly are getting  
15:20:05 17 legal status.

15:20:06 18 What does it do to my -- to my legal rights?  
15:20:10 19 They become a sham. And -- and I do hope that  
15:20:12 20 Your Honor would allow a class action because I'm not  
15:20:15 21 the only one. My -- myself and other individual --

15:20:19 22 THE COURT: Dr. Taitz, don't hold up --

15:20:19 23 MS. TAITZ: Okay.

15:20:22 24 THE COURT: -- hold out any hope --

15:20:22 25 MS. TAITZ: Okay.

15:20:22 1 THE COURT: -- that I'll allow a class  
15:20:23 2 action.

15:20:24 3 MS. TAITZ: Okay. Okay. But -- but,  
15:20:25 4 Your Honor, what -- what I am saying that this is  
15:20:29 5 similar to League of United Latin American Citizens  
15:20:32 6 versus the City of Boerne and also City of Houston  
15:20:35 7 versus American Traffic Solutions.

15:20:39 8 In both cases that were quoted by -- by  
15:20:43 9 Judge Elrod, the -- the law says that individuals  
15:20:49 10 suffered, which allowed them to be Intervenor who are  
15:20:52 11 not pecuniary. They didn't lose any money. What she is  
15:20:55 12 stating that, in those cases, they -- their voting  
15:21:00 13 rights were affected. Because what is happening in --  
15:21:04 14 in those cases, basically, their voting rights have no  
15:21:07 15 value. And that is what is happening here. My voting  
15:21:11 16 rights are affected, just like in those two cases.

15:21:15 17 Further --

15:21:16 18 THE COURT: Well, if DAPA gave someone the  
15:21:20 19 right to vote, I could see that argument. But it  
15:21:22 20 doesn't give them the right to vote.

15:21:24 21 MS. TAITZ: No, it doesn't give them the  
15:21:26 22 right to vote, but what is happening, my right -- I  
15:21:28 23 voted for my representative. My representative voted  
15:21:31 24 for specific bills which became immigration statutes.  
15:21:36 25 What -- what Mr. Obama did, he just threw away all of

15:21:42 1 this process of -- of me voting, of my representative  
15:21:45 2 voting, of creating statutes, making those into law. He  
15:21:49 3 just threw it all away. He decided basically an  
15:21:52 4 imperial order, I'm going to give a special legal status  
15:21:55 5 to millions of people.

15:21:56 6 THE COURT: If I gave standing to someone to  
15:21:58 7 sue, then the entire United States could be Plaintiffs.

15:22:01 8 MS. TAITZ: Well, maybe Your Honor should  
15:22:02 9 allow this.

15:22:04 10 Next -- but -- but this is an important  
15:22:07 11 right that was -- that was quoted by Judge Elrod. So,  
15:22:10 12 in the State of California, my -- my vote -- my vote  
15:22:15 13 became null and void, became a sham. Whatever I voted  
15:22:19 14 for has no value. I'm not represented in this case  
15:22:23 15 because the -- the -- the secretary -- because the  
15:22:26 16 Attorney General of California did not join this case.  
15:22:30 17 So I have no representation. Unless Your Honor gives me  
15:22:33 18 an Intervenor status, I have no representation  
15:22:35 19 whatsoever.

15:22:37 20 Specifically if the Supreme Court decides  
15:22:40 21 that only the State of Texas would -- would have  
15:22:42 22 standing, then -- then I have nothing.

15:22:45 23 And then also the attorney for the  
15:22:49 24 Jane Doe's mentioned the -- the -- the City of  
15:22:52 25 New Orleans. What's interesting, I -- I do recall --

15:22:56 1 and -- and I -- I wanted to mention something else.  
15:23:00 2 Your Honor, I did not know about this hearing until  
15:23:02 3 yesterday night. You have issued an order on December  
15:23:07 4 the 1st and what I received, it -- it stated there is a  
15:23:14 5 motion hearing on Motion to Stay. So because I -- I  
15:23:16 6 wasn't allowed to be an Intervenor, I -- I did not think  
15:23:20 7 it applied to me. And I think the other Intervenors are  
15:23:23 8 not here. They saw the same way.

15:23:26 9 Your Honor, you would be surprised how I  
15:23:28 10 found out about this case. Yesterday I was working with  
15:23:30 11 my patients, end of the day, I just wanted to look on  
15:23:33 12 the net for news. And on Google news, suddenly I  
15:23:37 13 stumbled on an article that was -- that -- that -- that  
15:23:39 14 was printed by POLITICO Magazine, an author,  
15:23:45 15 Josh Gerstein, of POLITICO. And I think that,  
15:23:49 16 Your Honor, you are famous. And so he -- he wrote an  
15:23:52 17 article, he stated that Orly Taitz and Sheriff Arpaio  
15:23:57 18 might become a part of this legal action in Texas and  
15:24:00 19 the Judge might -- might allow them as Intervenors and  
15:24:04 20 the hearing is tomorrow.

15:24:05 21 I called, Ms. Sustaeta will -- will confirm,  
15:24:07 22 I called right away. I said, can I do it on the phone?  
15:24:09 23 And then I looked, I went on the docket, I saw you  
15:24:12 24 cannot appear on the phone. Your Honor, I have spent  
15:24:14 25 \$1,100 for the last minute ticket to appear here. I

15:24:19 1 flew all night long. I just came here straight from the  
15:24:22 2 plane. I'm not even dressed for court because I just  
15:24:25 3 came from -- from -- from the airport. So I just wanted  
15:24:28 4 to tell you, I'm quoting you. I had just a little bit  
15:24:31 5 overnight to look at this decision --

15:24:34 6 THE COURT: I -- I will give you more time  
15:24:35 7 to do it. I -- I mean, my specific order, and if it  
15:24:39 8 didn't get carried out, I'll -- I'm going to speak to  
15:24:42 9 the clerk, was to make sure everybody that had sought  
15:24:44 10 intervention got notice of this.

15:24:46 11 MS. TAITZ: It just wasn't --

15:24:48 12 THE COURT: Not just you and not just  
15:24:49 13 Mr. Arpaio, but there were also Mitchell Williams,  
15:24:52 14 Harold William Van Allen and obviously the Jane Doe's.

15:24:56 15 MS. TAITZ: What -- what was happening,  
15:24:57 16 when -- when I received on December the 1st a  
15:25:00 17 notification from court, it stated -- it -- it was  
15:25:02 18 notice of a hearing to stay the -- the -- the  
15:25:05 19 proceedings. And I did not think that I had anything to  
15:25:10 20 do with this. And only late -- only yesterday night  
15:25:12 21 when I read the article in Google news in POLITICO, I  
15:25:17 22 realized that inside there, there was an order that  
15:25:19 23 mentioned me. And I -- I -- I got the airplane ticket  
15:25:22 24 right away. And, at night, I mean, I am quoting  
15:25:25 25 basically something that I read at night in between the

15:25:29 1 flights or on the flight. And that's how I -- I'm --  
15:25:33 2 I'm arguing here because I had just very little time.

15:25:36 3 But basically, in -- so what I'm stating, in  
15:25:40 4 the decision, I do recall decision of Judge Elrod, she  
15:25:43 5 is mentioning that -- and -- and -- and we were talking  
15:25:48 6 about the City of New Orleans -- there was a case where,  
15:25:51 7 in Louisiana, and I believe it was the City of  
15:25:54 8 New Orleans, the -- the parents sought to intervene  
15:25:58 9 because they wanted some vouchers for -- for school.  
15:26:01 10 And what Judge Elrod stated that, if there is an  
15:26:06 11 Intervenor whose due process rights are affected, this  
15:26:11 12 Intervenor can be part of the case.

15:26:13 13 And I submit to you, Your Honor, that my due  
15:26:16 14 process rights are affected because I -- I am -- I -- I  
15:26:20 15 will be exposed to -- to -- to -- to this clad of -- of  
15:26:26 16 new illegal immigrants with infectious diseases.

15:26:29 17 My due process rights are affected in -- in  
15:26:32 18 that I will be subjected to increased competition with  
15:26:35 19 people who are suddenly getting licenses.

15:26:37 20 My due process rights, my -- my voting  
15:26:40 21 rights, are affected because I have -- I basically have,  
15:26:45 22 if -- if Your Honor does not allow me to be part of this  
15:26:47 23 case, then I don't have the first amendment right for  
15:26:50 24 address of grievances. I do have all those grievances.  
15:26:54 25 Where can I address them, if not here?



15:26:56 1 And -- and so I do believe that my fifth and  
15:26:59 2 14th amendments due process rights were affected and the  
15:27:03 3 only way I -- I'll be able to -- to -- to represent them  
15:27:05 4 is by being part of this case as -- as -- as an  
15:27:09 5 Intervenor Plaintiff.

15:27:11 6 THE COURT: Okay. All right, Dr. Taitz.  
15:27:13 7 Thank you.

15:27:14 8 Here's what I'm going to do. I'm ruling now  
15:27:20 9 that all the putative Intervenor's who are not here,  
15:27:28 10 which include Mitchell Williams, Harold William Van  
15:27:32 11 Allen and Joe Arpaio, I'm not changing my ruling on  
15:27:37 12 that. They're -- they didn't attend the hearing.

15:27:41 13 With regard to the Jane Doe's, they are  
15:27:44 14 obviously in.

15:27:47 15 And Dr. Taitz, I'll take your renewed motion  
15:27:51 16 to intervene under advisement. If there's anything you  
15:27:55 17 want to add because you didn't feel like you got  
15:28:01 18 adequate notice of the hearing, as long as you file it  
15:28:03 19 by July 8th -- July, January 8th, I'll consider it.

15:28:08 20 And if -- that goes for either side. If you  
15:28:10 21 want to intervene in this issue, just whatever it is,  
15:28:14 22 July -- January 8th is the deadline.

15:28:16 23 And I'm going to grant the Motion to Stay  
15:28:24 24 along the outlines that we talked about today. And then  
15:28:27 25 I'll decide Ms. -- Dr. Taitz' Motion to Intervene, or

15:28:34 1 renewed motion to intervene, given the ruling of the  
15:28:37 2 Fifth Circuit after I -- after some time after the 8th.

15:28:43 3 All right. Counsel, is there anything else  
15:28:46 4 that we need to take up today for the good of the order  
15:28:49 5 while we're waiting to see what the Supremes do?

15:28:52 6 MS. COLMENERO: I don't believe so,  
15:28:53 7 Your Honor.

15:28:53 8 MS. RICKETTS: No, Your Honor.

15:28:54 9 MS. PERALES: No, Your Honor.

15:28:55 10 THE COURT: Okay. All right. We'll stand  
15:28:57 11 adjourned. Thank y'all for coming. Have a good holiday  
15:28:59 12 season.

15:29:00 13 (COURT IN RECESS.)

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## 1 REPORTER'S CERTIFICATE

2  
3 I certify that the foregoing is a correct transcript  
4 from the record of proceedings in the above-entitled  
5 matter.  
6

7  
8 /s/ SHEILA E. HEINZ  
SHEILA E. HEINZ, CSR RPR  
9 Exp. Date: Dec. 31, 2016  
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